

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH ERNEST POTTS,

Defendant.

CR-22-104-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 13, 2024. (Doc. 43.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 12, 2024. (Doc.39.) The United States accused Joseph Potts (Potts) of violating his

conditions of supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse testing; and 3) by failing to reside at a place approved by his probation officer. (Doc. 36.)

At the revocation hearing, Potts admitted to having violated the conditions of his supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse testing; and 3) by failing to reside at a place approved by his probation officer. (Doc. 39.) Judge Johnston found that the violations Potts admitted is serious and warrants revocation of his supervised release and recommends a sentence of 104 days, with 30 months of supervised release to follow. Judge Johnston also recommends that Fowler should serve the first 180 days of his supervised release in the Great Falls Residential Re-Entry Center. Potts was advised of his right to appeal and allocute before the undersigned and waived those rights. (Doc. 39.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc.43) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Joseph Ernest Potts be sentenced to the Bureau of Prison for 104 days with 30 months of supervised release to follow. Potts should serve the first 180 days of his supervised release at the Great Falls Residential Re-Entry Center.

DATED this 13th day of March, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end.

Brian Morris, Chief District Judge
United States District Court